

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**XEZAKIA ROUSE,**

**Petitioner,**

**v.**

**No. 11-cv-0405 JCH/SMV**

**ANTHONY ROMERO,**

**Respondent.**

**ORDER GRANTING MOTION FOR PRODUCTION AND FOR EXTENSION OF TIME**

THIS MATTER is before the Court on Petitioner's letter, filed on May 14, 2013, which the court construes as a motion. [Doc. 139]. The undersigned issued Proposed Findings and Recommended Disposition [Doc. 137] ("PF&RD") on May 3, 2013, to deny without prejudice the underlying 28 U.S.C. § 2254 petition [Doc. 3] for failure to exhaust state-court remedies. Petitioner asserts in his letter that his petition for writ of certiorari to the New Mexico Supreme Court will demonstrate that he did exhaust his state-court remedies. [Doc. 139] at 1. He requests that Respondent be ordered to produce a copy of the petition, and he requests that the deadline to object to the PF&RD be extended until after the certiorari petition is filed in this Court. *Id.* at 5. The Court, being fully advised in the premises, finds that the motion is well-taken and should be granted.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the requests in Petitioner's letter [Doc. 139] are **GRANTED** to the following extent:

- (1) Within **10 days** of entry of this Order, Respondent shall file on the record in this case a copy of the petition for writ of certiorari to the New Mexico Supreme Court filed by

Petitioner on September 27, 2011 in state-court case no. 33,232. *See* [Doc. 50] at 3–8 (response to said petition); and

- (2) The deadline to object to the PF&RD is extended to **14 days** after a copy of the certiorari petition is filed this Court.

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**